

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOSEPH PILCHESKY,	:	
	:	Civil No. 3:14-CV-381
Plaintiff	:	
	:	(Judge Mannion)
v.	:	
	:	(Magistrate Judge Carlson)
FEDERAL MARSHAL'S OFFICE	:	
OF THE UNITED STATES, et al.,	:	
	:	
Defendants	:	

MEMORANDUM ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On March 4, 2014, plaintiff Joseph W. Pilchesky initiated this action by filing a complaint against Marshal Pane and four John Doe Federal Marshals. On May 5, 2014, Mr. Pilchesky filed an amended complaint. On June 27, 2014, Mr. Pilchesky filed a second amended complaint. Mr. Pilchesky's Second Amended Complaint contains three counts: Invasion of Privacy, Intrusion upon Seclusion, and Trespassing. These three counts are common law claims, and not constitutional claims. On September 23, 2014, the defendants filed a battery of potentially dispositive motions. (Docs. 20-22.) Pilchesky, in turn, filed motion to compel disclosure of the names of unnamed deputy U.S. marshals referred to in his second amended complaint. (Doc. 18.) On October 2, 2014, Pilchesky notified the Court that he had quadruple by-pass

surgery, and requested a stay of the instant matter for sixty (60) days to sufficiently recover from by-pass surgery. We granted this request and ordered the parties to file a joint status report on or before December 1, 2014, to address the status of the case, and to propose a briefing schedule of the pending motions. We have now received this status report, (Doc. 25.), which reports that Pilchesky intends to amend his complaint to add the previously unknown defendants, whose identities have apparently been disclosed to him, and attempt to rectify any deficiencies in the previous complaints; but, at present, the pain in his chest impairs his ability to prepare court documents. In order to accommodate the plaintiff's medical and litigation needs the parties jointly recommend that the Court set the following schedule in this case: (1) Plaintiff's motion to amend the complaint will be due on or before January 5, 2015; and (2) if plaintiff does not move to amend his complaint by January 5, 2015, defendants will have 14 days (to January 19, 2015) to file briefs in support of their current pending motions. The defendants also request that if the Court denies plaintiff's motion to amend, defendants will have 14 days after that Order deny the motion to amend to file briefs in support of their current pending motions.

We concur in this approach. Accordingly IT IS ORDERED as follows:

1. On or before **January 5, 2015**, the plaintiff shall file a motion to amend his complaint, an accompanying brief, and a proposed amended complaint as required by Local Rule 15.1. Further briefing of this motion shall then be conducted in accordance with the Rules of this Court.

2. If the plaintiff does not move to amend his complaint by January 5, 2015, defendants will until **January 19, 2015**, to file briefs in support of their current pending motions, and further briefing of these motions shall then be conducted in accordance with the Rules of this Court.
3. If the Court denies plaintiff's motion to amend, defendants will have 14 days after that Order deny the motion to amend to file briefs in support of their current pending motions.
4. Since the status report filed by the parties reports that Pilchesky intends to amend his complaint to add the previously unknown defendants, whose identities have apparently been disclosed to him, and attempt to rectify any deficiencies in the previous complaints, Pilchesky's motion to compel disclosure of the identities of these deputy U.S. marshals, (Doc. 18.), is DISMISSED without prejudice as MOOT.

SO ORDERED this 1st day of December, 2014.

S/MARTIN C. CARLSON
Martin C. Carlson
United States Magistrate Judge